

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LAURIE KELLOGG,  
Plaintiff,  
-against-

NEW YORK STATE DEPARTMENT OF  
CORRECTIONAL SERVICES, et al.,  
Defendants.

07 Civ. 2804 (BJ)

**DECLARATION IN SUPPORT  
OF DEFENDANTS' MOTION TO  
DISMISS THE COMPLAINT**

**KAREN BELLAMY**, pursuant to 28 U.S.C. Section 1746, declares under penalty of perjury as follows:

1. I am the Director of the Inmate Grievance Program at the New York State Department of Correctional Services ("DOCS"). In that capacity, I am the custodian of the records maintained by the Central Office Review Committee ("CORC"), which is the body that renders final administrative decision under DOCS' Inmate Grievance Program. I make this declaration in support of defendants' motion to dismiss the complaint based upon my review of those records.

2. DOCS Directive #4040 requires that grievance files and logs be maintained for at least the current year plus the previous four calendar years. CORC maintains files of grievance appeals to CORC in accordance with the Directive. The CORC computer database contains records of all appeals received from the facility Inmate Grievance Program Offices and which were heard and decided by CORC since 1990. This database also contains a great deal of historical data with respect to appeals to CORC back to 1986, including data on many of the individual appeals.

3. The facts that comprise the basis of the claims plaintiff has alleged in this action against defendants, that is, retaliation, deprivation of property, sexual abuse, sexual

harassment, cruel and unusual punishment, due process, equal protection, conspiracy and deliberate indifference to her medical needs, may be grieved through the Inmate Grievance Program.

4. I have conducted a search of this database for records of appeals to CORC of grievances filed by plaintiff, Laurie Kellogg, DIN No. 92 G 1356. Attached as Exhibit A is a printout of the result of this search. The result of my search clearly indicates that plaintiff did not grieve the facts which comprise the basis of any of the claims she raises in this lawsuit.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 3, 2007  
Albany, New York

 Karen Bellamy

